IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 59 OF 2005

IN

SUMMARY SUIT NO. 1634 OF 2004

Nitin Jamnadas Shah ... Plaintiff

Vs.

Rochiram Godhwani & Anr. ... Defendants

Ms. Kavita Lalwani for the Plaintiff.

Mr. Madhusoodanan Nair for the Defendants.

CORAM: S.U.KAMDAR,J.

DATE : 11th October,2005.

P.C.

1. The present suit is filed on a bill of exchange. Admittedly, the payment supposed to have been made under the bill of exchange is by cash. The defendant has denied the receipt thereof. In that view of the matter, triable issue arises. The Summons for Judgment is dismissed.

2. Unconditional leave to defend the suit is granted to the defendants. Suit transferred to the list of Commercial Causes. Written Statement or points of

defence to be filed within four weeks from today. Affidavit of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

(S.U.KAMDAR,J.)